

The Gazette of India



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No. 51] NEW DELHI, SATURDAY, DECEMBER 20, 1952

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 13th December 1952 :—

Issue No.	No. and date	Issued by	Subject
161	S. R. O. 2012, dated the 9th December 1952.	Ministry of Law.	Direction by the President regarding execution of Guarantee Agreements with International Bank for Reconstruction and Development, Washington.
162	S. R. O. 2013, dated the 9th December 1952.	Election Commission, India.	Extension of time for making claims and objections in electoral roll for the Santal Parganas-cum-Hazaribagh Parliamentary Constituency.
	S. R. O. 2014, dated the 9th December 1952.	Ditto.	Extension of time for making claims and objections in electoral roll for Jamtara Assembly Constituency.
	S. R. O. 2015, dated the 9th December 1952.	Ditto.	Appointment of a judge of the Saurashtra High Court to be the Chairman of Election Tribunal.
163	S. R. O. 2016, dated the 11th December 1952.	Ministry of Labour.	Reference of a dispute for adjudication to the Industrial Tribunal.
	S. R. O. 2017, dated the 11th December 1952.	Ditto.	Prohibition regarding continuance of strike and lock-out in Talcher Colliery.
164	S. R. O. 2044, dated the 11th December 1952.	Election Commission, India.	Publication of Election Petition No. 28 of 1952.
165	S. R. O. 2045, dated the 11th December 1952.	Ministry of Commerce and Industry.	Amendment made in the Textile Commissioner's Notification No. S.R.O. 1786, dated the 23rd October 1952.

Issue No.	No. and date	Issued by	Subject
166	S. R. O. 2046, dated the 12th December 1952.	Election Commission, India.	Extension of time for making claims and objections in electoral roll for Pateliputra Parliamentary Constituency.
	S. R. O. 2047, dated the 12th December 1952.	Ditto.	Extension of time for making claims and objections in electoral roll for Patna City East and Patna City West <i>cum</i> Naubatpur Assembly Constituencies.
	S. R. O. 2048, dated the 12th December 1952.	Ditto.	Publication of Election Petition No. 49/52.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of those Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF HOME AFFAIRS

New Delhi, the 10th December 1952

S.R.O. 2050.—In exercise of the powers conferred by article 318 of the Constitution, the President hereby directs that the following further amendment shall be made in the Union Public Service Commission (Conditions of Service) Regulations, namely:—

In the said Regulations, to regulation 13 the following proviso shall be added, namely—

“Provided that a person who immediately before his appointment was a member of a State Public Service Commission and who but for his appointment would have continued as such member, may if he so desires instead of travelling in a reserved first class compartment draw travelling allowance at the rate admissible to a Central Government servant, Grade I, on transfer.

2. This amendment shall be deemed to have come into force with effect from the 31st May 1952.

[No. 20/11/52-Ests.]

B. D. TEWARI, Dy. Secy.

New Delhi, the 11th December 1952

S.R.O. 2051.—In exercise of the powers conferred by clause (1) of article 243 of the Constitution, the President hereby directs that the Chief Commissioner, Andaman and Nicobar Islands, shall, subject to the control of the President, exercise the powers of a State Government under the Prisons Act, 1894 (IX of 1894).

[No. 70/93/52-A.N.]

E. C. GAYNOR, Dy. Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 8th December 1952

S.R.O. 2052.—In exercise of the powers conferred by section 23 of the Rehabilitation Finance Administration Act, 1948 (XII of 1948), the Central Government hereby directs that the following amendments shall be made in the Rehabilitation Finance Administration Rules, 1948, namely:—

In rule 2 of the said Rules,—

(i) for clause (b) of sub-rule (1), the following clauses shall be substituted, namely:—

“(b) not more than two official members appointed by the Central Government; and

(c) not more than four non-official members nominated by the Central Government.”

(ii) for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) (a) A member nominated under clause (c) of sub-rule (1) shall hold office for a term of two years from the date of his nomination and shall be eligible for re-nomination.

(b) An official member shall hold office during the pleasure of the Central Government.”

(iii) in sub-para. (3), for the words ‘other than the *ex-officio* member’ the words, brackets and letter ‘nominated under clause (c) of sub-rule (1)’ shall be substituted;

(iv) after sub-rule (3), the following sub-rule shall be substituted, namely:—

“(4) A casual vacancy among non-official members caused by resignation or otherwise, shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which a member whose place he takes was nominated.”

[No. F.10(35)-F.I/52.]

New Delhi, the 15th December 1952

S.R.O. 2053.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949), and on the recommendation of the Reserve Bank of India, the Central Government hereby declares that the provisions of section 17 of the said Act shall not apply to any banking company in so far as the said section has the effect of preventing appropriation from the reserve fund maintained in terms of the said section for the purposes of writing off the amount of losses on its investments in Government securities before declaring a dividend out of its profits for the calendar year 1952.

[No. F.4(174)-F.1/52.]

S. K. SEN, Dy. Secy.

INSURANCE

New Delhi, the 10th December 1952

S.R.O. 2054.—In pursuance of sub-clause (iv) of clause (3) of section 2 of the Insurance Act, 1938 (IV of 1938), the Central Government hereby specifies the undermentioned securities as approved securities for the purposes of the said Act, namely:—

4 per cent. Redeemable Debentures of the Mysore Central Co-operative Land Mortgage Bank, Limited, Bangalore (XIIth Series).

[No. 109-IE(1)/50.]

B. K. KAUL, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 11th December 1952

S.R.O. 2055.—In pursuance of sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendments shall be made in the schedule appended to its notification No. 32—Income-tax, dated the 9th November, 1946, namely:—

In the said Schedule appended to the said notification, under the sub-head 'III-B Bombay South', for the Ranges, Income-tax Circles and Wards the following Ranges and Income-tax Circles and Wards shall be substituted, namely:—

Range	Name of the Income-tax Circles and Wards
Poona	(1) Poona excluding Wards A and B. (2) Thana. (3) Special Survey Circle (in respect of persons who have their principal place of business in or reside in districts of Poona and Thana).
Belgaum	(1) Belgaum. (2) Income-tax Wards A and B of Poona. (3) Ahmednagar. (4) Special Survey Circle (in respect of persons who have their principal place of business in or reside in the districts of Belgaum and Ahmednagar).
Kolhapur	(1) Kolhapur. (2) Satara South. (3) Satara North. (4) Kolaba. (5) Ratnagiri. (6) Sholapur. (7) Special Survey Circle (in respect of persons who have their principal place of business in or reside in Kolhapur, Satara South, Satara North, Kolaba, Ratnagiri and Sholapur).
Dharwar	(1) Dharwar. (2) Bijapur. (3) Special Survey Circle (in respect of persons who have their principal place of business in or reside in Dharwar and Bijapur).

2. Where an Income-tax Circle stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom the Income-tax Circle is transferred, shall on and from the date of this notification be transferred to and be dealt with by the Appellate Assistant Commissioner of Income-tax of the Range to whom the said Circle is transferred.

[No. 81.]

New Delhi, the 12th December 1952

S.R.O. 2056.—In pursuance of sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following

further amendments shall be made in its Notification No. 32-Income-tax, dated the 9th November 1946, namely:—

In the Schedule appended to the said Notification—

- (1) under the sub-head "1—Madras", the Vijayawada Range and the Income-tax Circles specified against it shall be omitted;
- (2) under the sub-head "IX—Hyderabad", the following Range and Income-tax Circles shall be added, namely:—

Vijayawada Range

1. Vijayawada.
2. Vizianagaram.
3. Vishakhapatnam.
4. Srikakulam.
5. Kakinada.
6. Rajamundry.
7. Elluru.
8. Machlipatam
9. Special Survey Circle No. 1, Vijayawada.

2. Where an Income-tax Circle stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle is transferred shall on and from the date of this notification be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle is transferred.

[No. 82.]

K. B. DEB, Under Secy.

CUSTOMS

New Delhi, the 20th December 1952

S.R.O. 2057.—In exercise of the powers conferred by clauses (c) and (d) of section 11 of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue hereby directs that its notification No. 27-Customs, dated the 12th July 1930, shall be further amended as follows:—

In the Schedule to the said notification for the entry in column 4 relating to wharf No. 2 Hangarkatta Port, the following entry shall be substituted, namely:—

“The quay in front of the Custom House extending to 130 feet in length covering the area between Ramp No. I and Ramp No. II.”

[No. 63.]

A. K. MUKARJI, Secy.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 10th December 1952

S.R.O. 2058.—The following draft of an amendment in the Registration and Licensing of Industrial Undertakings Rules, 1952, which it is proposed to make in

exercise of the powers conferred by section 30 read with sections 10 and 11, sub-section (2) of section 12 and sections 13 and 14 of the Industries (Development and Regulation) Act, 1951 (LXV of 1951), is published as required by sub-section (1) of section 30 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 27th December, 1952.

Any objection or suggestion which may be received from any person in respect of the said draft, before the date specified, will be considered by the Central Government.

Draft Amendment

In sub-rule (2) of rule 3 and in sub-rule (3) of rule 7 of the said Rules, the word "Kanpur" shall be omitted.

[No. 7(1)-IA(G)/52.]

P. S. SUNDARAM, Under Secy.

RUBBER CONTROL

New Delhi, the 17th December 1952

S.R.O. 2059.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Rubber (Production and Marketing) Act, 1947 (XXIV of 1947) and in partial modification of the Government of India in the late Ministry of Industry and Supply Notification No. 27(3)-I(VI)/50, dated the 14th August 1950, the Central Government, on the recommendation of the Government of Travancore-Cochin, hereby nominate Sri S. Govinda Menon, District Collector, Kottayam, as a member of the Indian Rubber Board, vice Sahib Bahadur Fakrudin Shah, resigned.

[No. 27(6)-Plt./50.]

N. V. RAO, Dy. Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Agriculture)

New Delhi, the 12th December 1952

S.R.O. 2060.—In pursuance of the provisions of Section 4(X) of the Indian Cotton Cess Act, 1923 (XIV of 1923), the Central Government are pleased to appoint Shri R. J. Patil of Gharphal, District Yeotmal, Madhya Pradesh, to be an Additional Member of the Indian Central Cotton Committee vice Shri Brijlal Nandlal Biyani, resigned.

[No. F. 1-20/52-CJ.]

J. S. RAJ, Under Secy.

New Delhi, the 12th December 1952

S.R.O. 2061.—The following draft of a further amendment to the Creamery Butter (Grading and Marking) Rules, 1941, which it is proposed to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), is published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 31st December, 1952.

Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Central Government.

In the said Rules, for Schedule II, the following Schedule shall be substituted, namely:—

“Grade designation marks for Creamery Butter (See Rule 4).

Grade designation 1	Design of label 2	Colour of label 3	Colour of lettering showing the grade 4	Colour of the circular border of the label 5
Select Pasteurised table butter.		..	Red	Ped
Select table butter.		Blue

NOTE:—The select pasteurised Table Butter labels shall be printed on the watermark paper of the Government of India and shall have a micro-tint background bearing the words “Government of India” in olive green colour.

On each label of the two kinds a serial number along with a letter or letters denoting the series, shall be printed, e. g. A064987.”

[No. F.5-79/52-Dte.II.]

N. K. BHOJWANI, Dy. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 11th December 1952

S.R.O. 2062.—Corrigendum.—In the Ministry of Information and Broadcasting Notification No. S.R.O. 1876, dated the 6th November, 1952, published in the Gazette of India, Part II, Section 3, dated the 15th November 1952, on page 1675, for “6337” read “6377”.

[No. 4/9/52-FII.]

C. B. RAO, Dy. Secy.

MINISTRY OF COMMUNICATIONS

(Posts & Telegraphs)

New Delhi, the 16th December 1952

S.R.O. 2063.—In exercise of the powers conferred by section 9 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the

following further amendments shall be made in Indian Post Office Rules, 1933, namely:—

In sub-rule (2) of rule 30 of the said Rules:—

(1) Item (ii) shall be omitted; and

(2) In item (iii) for the words "His Majesty's Consul" the words "the Consul General for India" shall be substituted.

[No. C-16-3/51.]

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF TRANSPORT

PORTS

New Delhi, the 16th December 1952

S.R.O. 2064.—In exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby directs that the following further amendment shall be made in the Bombay Port Rules, 1925, published with the notification of the Government of Bombay in the Marine Department No. 441/42.M., dated the 19th January 1925, the same having been previously published as required by sub-section (2) of the said section, namely:—

In Chapter I of the said Rules, after rule 2, the following rule shall be inserted, namely:—

"2A. Films scrap or waste shall not be permitted to be brought within the limits of the Port unless they are packed in sealed iron or steel drums."

[No. 8-P.I(87)/52.]

S. N. CHIB, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 11th December 1952

S.R.O. 2065.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Calcutta, in the industrial dispute between the New Asiatic Insurance Company, Limited, Bombay, and its workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA.

20/1 Gurusaday Road, Ballygunge, Calcutta-19.

Before Shri K. S. Campbell-Puri, B.A., LL.B., Chairman.

REFERENCE NO. 23 OF 1951

Parties:

The New Asiatic Insurance Co. Ltd., Bombay

And

Their workmen

[Represented by the New Asiatic Insurance Co. Ltd. (Bombay Office) Employees Union, Bombay]

Appearances: Shri Rajani Patel, Bar-at-Law, assisted by Shri M. M. Majeethia, President, Shri Kulkarni, General Secretary, and Shri C. B. Parek, Assistant Secretary of the Employees Union, for the workmen.

Shri B. Narainaswamy, Advocate, assisted by Shri G. D. Jaywant, Secretary, and Shri Vora, an Assistant, for the Insurance Company.

AWARD

By notification No. LR.1-90(127), dated 27th December 1951 the Central Government in the Ministry of Labour referred an industrial dispute existing between

the 'New Asiatic Insurance Company Ltd., Bombay and its workmen' for adjudication to this Tribunal in respect of the matters specified in the schedule which is reproduced as under:

SCHEDULE

- (1) Whether the charter should adversely affect or take away from any employee any right, privilege, advantage or amenity which is already being enjoyed by him.
- (2) Adjustments: Whether the fitting of employees' salary in respect of grade should be on a point to point adjustment and whether such adjustment should be made with retrospective effect from 1st January 1950.
- (3) Whether the increments withheld for the year 1949 should be paid.
- (4) Victimization of the President of the Union.
- (5) Driver's dearness allowance. Whether the driver should be paid the dearness allowance of Rs. 45 p.m.
- (6) Probationer's Grade.
- (7) Whether the Company is justified in issuing warnings and circulars to them and in deducting casual leave at the end of year for late attendance.

Usual notices were issued to the parties in the first week of January 1952 calling upon the Employees Union to file their statement of claims with a copy to the Employers in a month's time as well as the Employers to submit their written statement a month thereafter on the receipt of the copy of the claim. The pleadings were completed in April 1952; but owing to other pending References received earlier the actual hearing in this Reference came up on 13th November 1952 at Bombay. A detailed statement of the case was made on the first day of hearing by Shri Rajani Patel, learned Counsel for the Employees Union, and in support of the claim, the Union called upon the Employer to produce a number of documents, copies of Balance Sheets and other record of the Company. Some witnesses were also summoned for the purpose of oral evidence. It however so transpired that on the next day a move was made for negotiating an amicable settlement and both sides asked for a short adjournment. The negotiations however could not be concluded and the hearing was suspended for another day. This time the parties were able to come to terms on some of the issues only and expressed their inability to finalize the settlement on all issues. The proceedings accordingly restarted and the evidence of WW-1 Shri Kulkarni commenced on 19th November 1952. But once again it was announced by the parties that agreement was possible on all issues and they asked for the discontinuance of the proceedings in order to execute the formal agreement. The request was granted and the case was adjourned to 20th November 1952 on which date written agreement was produced duly signed by the recognized representatives of both sides as well as the learned Counsel appearing on their behalf. This agreement was placed on the record as Ex. 1 and the statements of the parties were duly recorded for the purpose of ratification. The agreement is reproduced *ad verbatim* as below:

"Ex. 1:

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

REFERENCE NO. 21 OF 1951

Between

The New Asiatic Insurance Co. Ltd.,
and
Its Workmen.

May it please the Tribunal,

The parties to the above reference have reached the undermentioned agreement on all the points referred to the Tribunal for adjudication. In view of this agreement, the parties pray that the Tribunal be pleased to make an award in terms of the agreement.

Agreement

Demand No. 1

Whether the charter should adversely affect or take away from any employee any right, privilege, advantage or amenity which is already being enjoyed by him.

Demand Nos. 2 & 3

Adjustments : Whether the fitting of employees' salary in respect of grade should be on a point to point adjustment and whether such adjustment should be made with retrospective effect from 1st January, 1950.

Whether the increments withheld for the year 1949 should be paid.

The parties agree that in respect of the amenities mentioned in the statement of claim under demand No. 1, the company shall as far as possible endeavour to continue the existing practice with reference to them and in view of this, the Union does not press this demand.

With reference to Demand Nos. 2 and 3, it is agreed that on the company agreeing to grant one additional increment in the existing scales in addition to the normal increment, which falls due in the month of January, 1953 in respect of the workmen concerned in this reference who were in the service of the company in the year 1949 and in respect of whom increments in the scales which were in force in the year 1949 as originally fixed were due to be paid in the year 1950, and also the company agreeing to pay to the clerical staff a Bonus equivalent to half month's basic salary and to the peons one month's basic wages before the end of December, 1952, and a month's basic salary as in the year 1952, to all concerned before the third week of January, 1953, the Union withdraws demand Nos. 2 and 3 and further agrees that the demand for an increment due in the year 1951, which has been conciliated upon and now pending reference to Adjudication will not be pressed further.

These demands having been mutually settled are withdrawn

Demand Nos. 4 & 5

4. Victimization of the President of the Union.
5. Driver's dearness allowance. Whether the driver should be paid the dearness allowance of Rs. 45 p.m.

Demand Nos. 6 & 7

6. Probationer's grade.
7. Whether the Company is justified in issuing warnings and circulars to them and in deducting casual leave at the end of the year for late attendance.

Demand Nos. 6 and 7 are withdrawn by the Union.

FOR THE NEW ASIATIC INSURANCE CO. FOR THE NEW ASIATIC
(BOMBAY OFFICE) EMPLOYEES' UNION. INSURANCE CO. LIMITED,

(Sd.) RAJANI PATEL,
Counsel for the Union.

(Sd.) B. NARAYANASWAMY, Advocate.

(Sd.) M. M. MAJEETHIA,
President of the Union.

(Sd.) G. D. JAYWANT,

BOMBAY;

The 20th November 1952.

The copies of the statements made by the representatives of both sides ratifying the agreement are also enclosed in Appendix No. 1.

Now in view of the time spent in negotiating an agreement and the statements made on behalf of the Employees Union and the Insurance Company before the Tribunal, I am satisfied that the industrial dispute referred to has been duly adjusted by mutual consent of the parties and the terms of the agreement are hereby implemented in the award.

NOW, THEREFORE, THIS TRIBUNAL MAKES ITS AWARD IN TERMS OF THE AFORESAID AGREEMENT THIS THE 21st DAY OF NOVEMBER 1952
Encl.: Appendix No. 1.

K. S. CAMPBELL-PURI, Chairman,
Central Government Industrial Tribunal,
Calcutta,
Camp: Bombay.

APPENDIX No. 1

Camp: *Bombay, the 20th November 1952*

REFERENCE No 23 OF 1951

The New Asiatic Insurance Co. Ltd., Bombay,

And

Their Workmen

Appearances: Shri Rajani Patel, Advocate, with Shri M. M. Majeethia, President and Shri C. B. Parek, Assistant Secretary of the Employees Union for the workmen.

Shri B. Narayanaswamy, Advocate with Shri G. D. Jaywant, Secretary of the Insurance Company, for the Employers.

Statement of Shri M. M. Majeethia, President of the Employees Union

Shri Majeethia states, 'The Employees Union have adjusted their claims embodied in the statement of claim filed with the Tribunal under Reference No. 23 of 1951 with the Employer after going through negotiations made within these days and the agreement (Ex. 1) now filed has been arrived at by our free will without any coercion or duress. I am aware of the terms and have gone through the terms once again and I ratify the same on behalf of the Union. The agreement bears my signature in token of consent on behalf of the Union. I submit that the award be made in terms of the agreement.'

R.O. & A.C.

(Sd.) M. M. MAJEETHIA, 20-11-52.

(Sd.) K. S. CAMPBELL-PURI.

(Sd.) K. S. CAMPBELL-PURI.

Statement of Shri Jaywant, for the Insurance Company

The Employer has come to terms with the Employees Union in terms of the written agreement (Ex. 1) now placed on the record. The agreement was executed by free will of the parties after negotiations of several days and sanction of the Chairman has been also obtained to that effect. It is requested that the award be made in terms of the agreement.

R.O. & A.C.

(Sd.) G. D. JAYWANT, 20-11-52.

(Sd.) K. S. CAMPBELL-PURI.

(Sd.) K. S. CAMPBELL-PURI.

[No. LR-90(127).]

S.R.O. 2066.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Calcutta, in respect of an application under Section 33-A of the Act preferred by the New Asiatic Insurance Co. Ltd. (Bombay Office) Employees Union, Bombay.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA
20/1 Gurusaday Road, Ballygunge, Calcutta-19.

BEFORE SHRI K. S. CAMPBELL-PURI, B.A., LL.B., Chairman.

Application No. 15/52 (u/s 33-A of the Act)

The President, New Asiatic Insurance Co. Ltd. (Bombay Office), Employees Union, Bombay—Applicant.

Versus

The New Asiatic Insurance Co. Ltd., Bombay—Respondent.

In the matter of an application under Section 33-A of the Industrial Disputes Act, 1947, preferred by the New Asiatic Insurance Co. Ltd. (Bombay Office) Employees Union, Bombay (admitted during the pendency of Reference No. 23 of 1951—Ministry of Labour Notification No. LR-1-90(127), dated 27th December 1951).

Appearances: Shri Rajani Patel, Bar-at-Law, Assisted by Shri M. M. Majeethia, President and Shri C. B. Parek, Assistant Secretary of the Employees Union, for the applicants.

Shri G. D. Jaywant, Secretary of the Insurance Company for the Employers.

AWARD

This is an application under Section 33-A of the Industrial Disputes Act, 1947, dated 24th March 1952 in the matter of a complaint whereby a large number of

employees whose signatures were appended with the application complained that the Company's action in not observing 15th February 1952 as Bank holiday was in contravention of an agreement arrived at earlier between the parties. It was alleged *inter alia* that this occurred during the pendency of the original Reference No. 23 of 1951 and as such the provisions of section 33 were violated. The leave sought for was for the payment of overtime wages including Dearness Allowance to the complainants for one day, the 15th February 1952, excepting Nos. 55, 56, 57, 58, 59 and 60 and for condoning the absence of complainants Nos. 55 to 60 and not to deduct one day from their Casual Leave.

Usual notice was issued to the other side and the written statement was filed on behalf of the Employers on 7th June 1952. This application was also fixed for hearing along with the original Reference No. 23 of 1951—The New Asiatic Insurance Company Ltd, Bombay *Versus* Their Workmen, at Bombay. The actual hearing came up on 20th November 1952 after the close of the original Reference. Shri Rajani Patel, the learned Counsel for the Employees Union, and Shri M. M. Majethia, President of the Employees Union, stated that in view of the agreement arrived at between the Employees Union and the Employers, the Union would not press the complaint preferred on behalf of the 60 employees pertaining to the observance of a holiday on the 15th February 1952. In the circumstances, the application shall be deemed to have been withdrawn and I award accordingly.

CAMP: BOMBAY;
The 21st November 1952.

K. S. CAMPBELL-PURI, Chairman,
Central Government Industrial Tribunal,
Calcutta.

[No. LR-90(127).]

New Delhi, the 12th December 1952

S.R.O. 2067.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following awards of the All India Industrial Tribunal (Bank Disputes), in respect of applications under section 33-A of the said Act preferred by certain workmen of banking companies.

BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES)
BOMBAY

COMPLAINT No. 86 OF 1952

Shri Binoy Bhushan Bardhan

Versus

United Bank of India Ltd.

This is a complaint by Shri Binoy Bhushan Bardhan under Section 33A of the Industrial Disputes Act, 1947 (XIV of 1947), against the United Bank of India Ltd., Calcutta.

2. According to the allegations in the complaint, Shri Binoy Bhushan Bardhan was an employee of the Comilla Union Bank Ltd. since April 1937. That Bank was one of the units which amalgamated with the United Bank of India Ltd. In December 1949, he was attached to the South Calcutta Branch of the Comilla Union Bank Ltd. at Russa Road, Calcutta. In connection with a theft of cash from that Branch, there was an enquiry by the Police. On 26th September 1950, the employee who had been transferred to the Central Office of the Bank from Russa Road Branch in January 1950 was suspended because the police charge-sheeted him in connection with the theft. He was granted, however, a subsistence allowance of Rs. 172/8/- per month. The judgment in the criminal case was delivered on 13th March 1952 and the employee was acquitted. He thereafter applied to the Bank on 14th March 1952 to allow him to resume duties but the management by its letter, dated 27th May 1952 which was received by the employee on 12th June 1952 terminated his services. Hence this complaint is filed by the employee. He prays for reinstatement and payment of all arrears of salary and allowances to him.

3. The Bank in its reply statement raises the contention that the employee was not a workman but was an officer. No further statement has been filed by the employee with reference to this contention.

4. It will be noted that in the complaint the complainant merely states that he was an employee. He has not given particulars of the nature of his work either at the branch at Russa Road, Calcutta or in the Central Office to which he was transferred after the incident of the theft of cash in the Russa Road Branch. It was only during argument that it was revealed to us that the employee was posted as a regular Agent and that he was in charge of the office of the Comilla Union Bank Ltd. at Russa Road, Calcutta. It was during the time when he was the Agent and in charge of the branch that the theft occurred. It was in view of this and the police enquiry in connection with it, that the management transferred him to the Central Office at Calcutta and placed him, as it appears now, in charge of the Stationery Department at the Central Office. During the time of the police enquiry he was placed in charge of the Stationery Department but when he was charge-sheeted in September 1950 the management suspended him. These facts are now admitted before us.

5. It is clear that while he was an Agent in charge of the branch at Russa Road, Calcutta he was an officer. There is nothing before us to indicate that he was degraded to the position of a mere clerk, when he was transferred to Central Office. The circumstances indicate that in view of the suspicion that arose in connection with the theft he was transferred from the position of the Agent in that branch and assigned other work under the direct supervision of the officers at Central Office. He was placed in charge of the Stationery Department where obviously there was little scope for frauds to be committed by employees. In these circumstances it is not possible for us to hold that he was a workman during the relevant period between his suspension and the termination of his services. The employee has failed to show that he was a workman within the meaning of the Act and not an officer as contended by the management. As he must be deemed to be an officer when he was admittedly posted as an Agent and as there is nothing to show that subsequently he ceased to be an officer we are unable to hold that he is entitled to present this complaint under the provisions of the Industrial Disputes Act. We are of opinion that he was an officer of the Bank in 1949 and thereafter he continued to be so, though he was not given any particularly responsible duties of a superior character pending the result of the police enquiry and the subsequent prosecution. There is no material placed before us to justify a conclusion that he ceased to be an officer.

6. Some reference was made during the discussion before us to the nature of his duties while he was in charge of the Stationery Department at the Central Office of the Bank. It was admitted before us that he had clerks under him, whose work he had to supervise, that the Stationery Department was a central department supplying stationery to all the branches of the Bank throughout India and that he was the departmental in-charge of that Department. It seems to us that under all the circumstances of the case he must be regarded as having been an officer throughout 1949 and 1950.

7. We accordingly pass an award that this complaint should be rejected as not being a complaint by a workman within the meaning of the Act.

(Sd.) S. PANCHAPAGESA SASTRY, *Chairman.*

BOMBAY;

(Sd.) M. L. TANNAN, *Member*

The 24th November 1952.

(Sd.) V. L. D'SOUZA, *Member.*

BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES)
BOMBAY

COMPLAINT No. 87 OF 1952

Shri D. N. Mehrotra

Versus

United Commercial Bank Ltd.

This purports to be a complaint under Section 33A of the Industrial Disputes Act, 1947 (XIV of 1947), against the United Commercial Bank Ltd. by Shri D. N. Mehrotra who was employed as an Accountant at the Hazratganj branch of the Bank in Lucknow but was transferred from that place to Delhi in May 1952. The complaint is that this transfer was by way of victimization and punishment.

2. Shri Mehrotra was a permanent resident of Simla and was originally employed as Development Officer at the Simla branch of the Bank. At his own request he was transferred to Lucknow as Accountant at the main branch of the Bank at Hazratganj. The Bank has also an office at the Lucknow University area. Shri Mehrotra was anxious that he should be posted at the University branch and not be made to work at the Hazratganj branch for the reason that the Manager there was not sympathetic towards the employees. It appears that on 16th May 1952 there was an unhappy incident by way of a quarrel between the Manager and Shri Mehrotra. The allegation of Shri Mehrotra is that the Manager caught him by the neck and pushed him inside his cabin. The truth of this is denied by the Bank. There was, however, an enquiry into this matter by an officer who was specially deputed for this purpose. It was stated before us that the officer found that the incident was not true. On the other hand, it was vehemently asserted before us that a number of bank employees who were present during the incident definitely spoke to this assault by the Manager, in the enquiry that took place. We have not been given a copy of the report submitted by the officer who made the enquiry. It is not, however, necessary to go into this question.

3. The management under these circumstances not unnaturally felt that the Manager and the Accountant should not be allowed to work in the same place. They decided that Shri Mehrotra should be transferred to Delhi and accordingly ordered the transfer. It is this transfer that is the subject matter of the complaint before us. We are unable to hold that, in the circumstances, the decision of the management not to keep the Manager and the Accountant in the same place was in any way improper or one which could be reasonably objected to. Obviously, the situation was such that, whoever was the offending party, the two could not be kept at the same place. If the Bank under those circumstances decided to transfer the Accountant to Delhi we cannot hold that it was by way of punishment or by way of victimization. We do not intend to record any finding as to whether the alleged incident was true. That matter has not been enquired into by us, nor is it necessary to do so. It is sufficient to say that in our opinion the transfer of the Accountant was not by way of punishment, nor is this a case of victimization.

4. It was alleged that the transfer from U. P. State to Delhi was illegal. Even if that contention is correct it is not a matter which comes within the scope of the enquiry under Section 33 of the Industrial Disputes Act.

5. Our award accordingly is that the complaint should be dismissed.

(Sd.) S. PANCHAPAGESA SASTRY, Chairman.

BOMBAY;

The 24th November 1952.

(Sd.) M. L. TANNAN, Member.

(Sd.) V. L. D'SOUZA, Member.

[No. LR-100(18).]

P. S. EASWARAN, Under Secy.

New Delhi, the 12th December 1952

S.R.O. 2068.—It is hereby notified for general information that in pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, made under Section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government with effect from the 5th November, 1952, appointed Shri Prem Sarup, Director of Industries and Labour Commissioner, Patiala and East Punjab States Union, to be the Regional Commissioner for the whole of that State to work under the general control and superintendence of the Central Commissioner.

[No. P.F.516(21).]

S.R.O. 2069.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri Prem Sarup, Director of Industries and Labour Commissioner, Patiala and East Punjab States Union, to be an Inspector for the whole of that State for the purposes of the said Act and of any Scheme made thereunder in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[No. P.F.516(21).]

TEJA SINGH SAHNI, Under Secy.

New Delhi, the 16th December 1952

S.R.O. 2070.—The following draft of an amendment to the Payment of Wages (Mines) Rules, 1949, which it is proposed to make in exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24 of the Payment of Wages Act, 1936 (IV of 1936), is published as required by sub-section (5) of the said section 26 for the information of all persons likely to be affected thereby, and notice is given that the draft will be taken into consideration on or after the 20th March, 1953.

Any objection or suggestion which may be received in respect of the draft before the date specified will be considered by the Central Government.

Draft Amendment

For sub-rule (3) of rule 1, of the said Rules, the following sub-rule shall be substituted, namely:—

“(3) The extend to the whole of India, except the State of Jammu and Kashmir.”

[No. Fac.52(20).]

SADASHIVA PRASAD, Dy. Secy.

